UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,309	05/15/2001	Peder J. Jungck	10736/6	1477

757	7590	10/06/2004

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/858,309	JUNGCK ET AL.
	Examiner	Art Unit	
	Thong H Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-111* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-111* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7-10/03; 5/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1.   Claims 1-111 are pending.

2.   This is a continuation-in-part of 09/602,129 filed 6/23/3000.

3.   Co-pending information on a page 1 are required

Claim Rejections - 35 USC § 112

4.   Claims 1,41,50,72,90,108 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the enablement requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use

the invention. It was unclear what component do all functions (capturing, analyzing,

examining, determining the first, second packet and first, second action and How does it

apply the rules (HTTP rules) and What different to each rule apply to each packet,

action. It looks like the first and fourth rule have the same function as well as the second

and fifth, third and sixth.

5.   Claims 1,41,50,72,90,108 are rejected under 35 U.S.C. 112, first paragraph, as

based on a disclosure which is not enabling. This component (i.e.: packet filter, packet

interceptor) is critical or essential to the practice of the invention, but not included in the

claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188

USPQ 356 (CCPA 1976). It was unclear what component do all functions (capturing,

analyzing, examining, determining the first, second packet and first, second action and

How does it apply the rules (HTTP rules) and What different to each rule apply to each

packet, action. It looks like the first and fourth rule have the same function as well as the

second and fifth, third and sixth.

6.   Claims 1,41,50,72,90,108 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention (i.e.: Applicant does not define the what

different between the first, second, third, fourth fifth, sixth rule as well as the first and

second action. Examine considers they are one of a HTTP request/response, see HTTP

is a set of rules, specification page 10, paragraph [0042]).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-111 are rejected under 35 U.S.C. § 102(e) as being anticipated by

Beranek et al [Beranek, 6,226,642 B1].

8.   As per claim 1, Beranek discloses a method of processing a first data packet

transmitted over a network from a source to a first recipient, said first data packet

comprising a header layer and an application data layer [Beranek, a packet or Web

document with header portion and data payload portion wherein the caching proxy

rewrite data before that data is presented on the client browser, abstract, col 2 lines 20-62], said method comprising:

(a) capturing said first data packet from said network prior to its reception by said first recipient [Beranek, a proxy server which filter the data stream, Fig 9, col 13 lines 30-53];

(b) analyzing said header layer of said first data packet according to a first rule [Beranek, the filter mechanism identified the header and body of document, col 9 line 45-col 10 line 65];

(c) examining, selectively, a dynamically specified portion (i.e.: dynamic content) of said application data layer of said first data packet according to a second rule [Beranek, dynamic re-write data, col 2 lines 37-42;col 10 lines 21-46];

(d) determining a first action (i.e.: storing, transmitting) to be taken on said first data packet according to a third rule [Beranek, the filter will include a list of one or more actions, col 13 lines 11-30]; and

(e) performing said first action on said first data packet [Beranek, parsing information, col 10 lines 47-65; display of other content, col 14 lines 10-16].

9.   As per claim 2, Beranek discloses said first recipient transmits a second data packet over said network to said source in response to receipt of said first data packet, said first action comprising at least storing information about said first data packet, said method further comprising:

(a) capturing said second data packet from said network prior to its reception by said

source [Beranek, a packet or Web document with header portion and data payload

portion wherein the caching proxy rewrite data before that data is presented on the

client browser, abstract, col 2 lines 20-62];

(b) analyzing a header layer of said second data packet according to a fourth rule

[Beranek, the filter mechanism identified the header and body of document, col 9 line

45-col 10 line 65];

(c) examining, selectively, a dynamically specified portion of said application data layer

of said second data packet according to a fifth rule [Beranek, dynamic re-write data, col

2 lines 37-42;col 10 lines 21-46];

(d) determining a second action to be taken on said second data packet according to a

sixth rule [Beranek, the filter will include a list of one or more actions, col 13 lines 11-

30]; and

(e) performing said second action on said second data packet; and wherein at least one

of said fourth, fifth and sixth rules is based on said stored information [Beranek, parsing

information, col 10 lines 47-65; display object may be any text, graphic, animation, or

other content such as status messages, advertising, emergency messages, col 14 lines

10-16]

10.   As per claim 3, Beranek discloses intercepting said first data packet prior to

receipt by a network router [Beranek, a proxy server,col 15 lines 4-33].

11.   As per claim4, Beranek discloses (f) allowing redefinition of said first, second and

third rules by an entity external to said packet interceptor [Beranek, HTTP is a set of

rules, col 9 lines 25-44].

12.   As per claim 5, Beranek discloses allowing dynamic redefinition [Beranek,

dynamic re-write data, col 2 lines 37-42;col 10 lines 21-46].

13.   As per claim 6, Beranek discloses (9 redefining, remotely, said first, second and

third rules [Beranek, HTTP is a set of rules, col 9 lines 25-44].

14.   As per claim 7, Beranek discloses said second and third rules are based at least

in part on said analysis of said header [Beranek, the header and body of document, col

9 line 45-col 10 line 65].

15.   As per claim 8, Beranek discloses determining a first result of said first rule, said

examining further comprises determining a second result of said second rule, said

determining further comprising determining said first action to be taken on said first data

packet according to said first and second results as inherent feature of the first list,

second list, third list [Beranek, first, second , third lists, col 13 lines 12-30].

16.   As per claim 9, Beranek discloses predefining said first, second and third rules as

the first list, second list, third list [Beranek, first, second , third lists, col 13 lines 12-30].

17.   As per claim 10, Beranek discloses no analysis of said header layer according to said first rule as inherent feature of first list [Beranek, first, second , third lists, col 13 lines 12-30].

18.   As per claim 11, Beranek discloses no examination of said application data layer according to said second rule as inherent feature of second list [Beranek, first, second , third lists, col 13 lines 12-30].

19.   As per claim12, Beranek discloses a network address, said analyzing further comprises analyzing said network address according to said first rule [Beranek, IP address, col 12 lines 39-51].

20.   As per claim 13, Beranek discloses determining whether said network address matches a pre-defined criteria as inherent feature of the filter mechanism which contains the pre-defined criteria (i.e.: filter rules) to detect the packet including the network address [Beranek, filter mechanism, col 9 lines 45-col 10 line 20].

21.   As per claim14, Beranek discloses a network address and said network address comprises a transport control port address [Beranek, TCP/IP, col 9 lines 1-5].

22.   As per claim15, Beranek discloses a network address and said network address

comprises an internet protocol address [Beranek, IP address, col 12 lines 39-51].

23.   As per claim16, Beranek discloses a network address and said network address

comprises a media access control address.

24.   As per claim 17, Beranek discloses application data generated by said source

{beranek, ISP, col 15 lines 4-33].

25.   As per claim18, Beranek discloses a uniform resource locator [Beranek, URL, col

3 lines 10-34]and further wherein said second rule comprises determining whether said

uniform resource locator matches a pre-defined criteria as inherent feature of the filter

mechanism which contains the pre-defined criteria (i.e.: filter rules) to detect the packet

including the network address [Beranek, filter mechanism, col 9 lines 45-col 10 line 20].

26.   As per claim 19, Beranek discloses forwarding said first data packet to an entity

external to said packet interceptor [Beranek, forwarded, col 14 lines 1-9], said external

entity being different from said first recipient [Beranek, different types, col 14 lines 51-

67].

27.   As per claim 20, Beranek discloses the first action comprises releasing said first

data packet to said network [Beranek, parsing information, col 10 lines 47-65].

28.   As per claim 21, Beranek discloses said first action comprises copying said first

data packet to a second data packet; and forwarding said second data packet to an

entity external to said packet interceptor, said external entity being different from said

first recipient as inherent features of a list of actions [Beranek, a list of actions, col 13

lines 12-30].

29.   As per claim 22, Beranek discloses said first action further comprises receiving a

command from said external entity dictating a second action be taken on said first data

packet [Beranek, a set of instructions, col 15 lines 34-49].

30.   As per claim 23, Beranek discloses said second action comprises deleting said

first data packet [Beranek, removed, col 11 lines 12-35].

31.   As per claim 24, Beranek discloses second action comprises releasing said first

data packet to said network [Beranek, parsing information, col 10 lines 47-65].

32.   As per claim 25, Beranek discloses releasing said first data packet to said

network [Beranek, parsing information, col 10 lines 47-65].

33.   As per claim 26, Beranek discloses modifying said first data packet; and

releasing said modified first data packet to said network [Beranek, modify scripts, col 11

lines 1-11; col 12 lines 52-62; customize the data stream, col 15 lines 4-33].

34.   As per claim 27, Beranek discloses modifying at least a portion of said header

layer [Beranek, modified or changed the appearance of the document, col 10 lines 47-

65].

35.   As per claim 28, Beranek discloses modifying at least a portion of said

application data layer [Beranek, modifying one or more characteristics of original HTML,

col 10 lines 21-46].

36.   As per claim 29, Beranek discloses said first action comprises transmitting a

response to said source based on said first data packet according to a fourth rule

[Beranek, in response to a HTTP request, col 10 lines 21-46].

37.   As per claim 30, Beranek discloses said first action further comprises configuring

said response to appear to originate from said first recipient [Beranek, the proxy is

configured on the client along with the associated cache, col 11 line 62-col 12 line 21].

38.   As per claim 31, Beranek discloses said capturing is performed by a packet

interceptor, said packet interceptor comprising a plurality of rule sets and wherein a first

rule set of said plurality of rule sets comprises said first, second and third rules and said

first action, said method further comprising:

(f) determining which of said plurality of rule sets to apply to said first data packet

[Beranek, HTTP, col 9 lines 25-44].

39.   As per claim 32, Beranek discloses said capturing is performed by a packet

interceptor, said method further comprising:

(f) facilitating performing (a), (b), (c), (d) and (e) non-invasively with respect to said

network for a plurality of entities external to said packet interceptor as inherent feature

of the filter mechanism [Beranek, the filter mechanism, col 9 line 45-col 10 line 20].

40.   As per claim 33, Beranek discloses said method further comprising performing

(a), (b), (c),(d) and (e) by a router [Beranek, a proxy server, col 15 lines 4-33].

41.   As per claim 34, Beranek discloses said capturing is performed by a packet

interceptor, said method further comprising:

(f) receiving a second data packet from an entity external to said packet interceptor,

said second data packet directed to said packet interceptor; and (g) introducing said

second data packet into said network as inherent feature of of the filter mechanism

[Beranek, the filter mechanism, col 9 line 45-col 10 line 20].

42.   As per claim 35, Beranek discloses said network is characterized by a wire

speed, said method further comprising performing (a)-(e) at least at said wire speed as

inherent feature of Internet.

43.   As per claim 36, Beranek discloses said first data packet is characterized seven

Open Systems Interconnection (OSI) defined layers, said dynamically specified portion

comprising any at least one of said seven layers of the filter mechanism [Beranek, the

filter mechanism, col 9 line 45-col 10 line 20].

44.   As per claim 37, Beranek discloses said network comprises an optical network

[Beranek, optical disk, col 15 lines 34-49].

45.   As per claim 38, Beranek discloses said network comprises an electrical network

as inherent feature of Internet.

46.   As per claim 39, Beranek discloses (b) further comprises determining a first

result of said first rule and (c) further comprises determining a second result of said rule,

said method further comprising:

(f) storing said first and second results; (g) capturing a second data packet from said

network prior to its reception by said first recipient; (h) analyzing said header layer of

said second data packet according to said first rule and at least one of said stored first

and second results; (i) examining, selectively, a dynamically specified portion of said

application data layer of said second data packet according to a second rule and at

least one of said stored first and second results; (j) determining a second action to be

taken on said second data packet according to said third rule; and (k) performing said

second action on said second data packet as inherent feature of HTTP.

47.   As per claim 40, Beranek discloses performing (a)-(e) invisibly to at least one of

said source and said first recipient [Beranek, client and server, col 4 lines 49-52, Fig 7].

48.   Claims 41-49;50-71;72-89;90-107 and 108-111 contain the similar limitations set

forth of claims 1-40. Therefore, claims 41-111 are rejected for the similar rationale set

forth in claims 1-40.

49.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to examiner Thong Vu, whose telephone number is (703)-
305-4643.
The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, *Jack Harvey*, can be reached at (703) 305-9705.
        Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 305-9700.
        Any response to this action should be mailed to: Commissioner of Patent and
Trademarks, Washington, D.C. 20231 or faxed to :
                        After Final   (703) 746-7238
                        Official: (703) 746-7239
                        Non-Official   (703) 746-7240
        Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142